

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN SENATE JUNE 25, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 903

Introduced by Assembly Member Chesbro

February 26, 2009

An act to ~~amend Section 42926 of~~ add Section 42357.5 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 903, as amended, Chesbro. Solid waste: ~~state agency recycling; electronic waste; compostable plastic bags.~~

The California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, prohibits a person from selling a plastic bag in this state that is labeled with the term "compostable" or "marine degradable" unless, at the time of sale, the plastic bag meets specified standards for those types of bags.

This bill would require, beginning July 1, 2010, a manufacturer of a compostable plastic bag meeting those standards to ensure that the compostable plastic bag is readily and easily identifiable from other plastic bags. The bill would define "readily and easily identifiable," to include a compostable plastic bag labeled with a boardapproved certification logo and that meets other labeling requirements. The bill would prohibit a compostable plastic bag sold in the state from displaying a chasing arrow resin identification code or recycling type of symbol in any form. The bill would require the manufacturers or suppliers of compostable plastic bags to submit a yearly report to the

board containing certain information, subject those manufacturers or suppliers to audit by the board, and require the board to refer a false or misleading certification or other information reported by those manufacturers or suppliers to the Attorney General for prosecution.

The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires the board to implement various state programs designed to encourage the reduction of solid waste.

The act requires each state agency to submit an annual report to the board regarding solid waste reduction for the previous calendar year.

This bill would also require that the report provide information regarding the management of electronic wastes, as defined, generated by the state agency, including the types, quantities, and final disposition of electronic wastes and efforts by the state agency to reduce the amounts of electronic wastes being generated.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 42357.5 is added to the Public Resources*
- 2 *Code, to read:*
- 3 *42357.5. (a) Beginning July 1, 2010, a manufacturer of a*
- 4 *compostable plastic bag meeting an ASTM standard specification*
- 5 *specified in paragraph (1) of subdivision (b) of Section 42356 or*
- 6 *Section 42356.1 shall ensure that the compostable plastic bag is*
- 7 *readily and easily identifiable from other plastic bags.*
- 8 *(b) For purposes of this section, "readily and easily identifiable"*
- 9 *means a compostable plastic bag with labeling that meets both of*
- 10 *the following requirements:*
- 11 *(1) Labeled with a boardapproved certification logo indicating*
- 12 *the bag meets the ASTM D6400 standard specification if the bag*
- 13 *has been certified as meeting that standard.*
- 14 *(2) Labeled in accordance with one of the following:*
- 15 *(A) Labeled with the word "compostable" on one side of a bag*
- 16 *that has a uniform color of green, and the label is at least one inch*
- 17 *in height.*
- 18 *(B) Labeled with the word "compostable" on both sides of the*
- 19 *bag and the label conforms to one of the following requirements:*
- 20 *(i) Has green color lettering at least one inch in height.*

1 (ii) *Is within a contrasting green color band of at least one inch*
2 *in height on both sides of the bag with color contrasting lettering*
3 *of at least one-half inch in height.*

4 (c) *A compostable plastic bag sold in the state shall not display*
5 *a chasing arrow resin identification code or recycling type of*
6 *symbol in any form.*

7 (d) (1) *Each manufacturer or supplier of a compostable plastic*
8 *bag shall submit a report to the board containing the certification*
9 *required by this section for the preceding calendar year, together*
10 *with any other information that the board may require.*

11 (2) *Each manufacturer or supplier required to provide*
12 *certification or any information pursuant to this section shall be*
13 *subject to audit by the board.*

14 (3) *If a manufacturer or supplier provides the board with a false*
15 *or misleading certification or other information, the board, within*
16 *30 days of determining that fact, shall refer the false or misleading*
17 *certification to the Attorney General for prosecution for fraud.*

18 ~~SECTION 1. Section 42926 of the Public Resources Code is~~
19 ~~amended to read:~~

20 ~~42926. (a) In addition to the information provided to the board~~
21 ~~pursuant to Section 12167.1 of the Public Contract Code, each~~
22 ~~state agency shall submit an annual report to the board summarizing~~
23 ~~its progress in reducing solid waste as required by Section 42921.~~
24 ~~The annual report shall be due on or before September 1, 2009,~~
25 ~~and on or before September 1 in each subsequent year. The~~
26 ~~information in this report shall encompass the previous calendar~~
27 ~~year.~~

28 ~~(b) Each state agency's annual report to the board shall, at a~~
29 ~~minimum and in a manner prescribed by the board, include all of~~
30 ~~the following:~~

31 ~~(1) Calculations of annual disposal reduction.~~

32 ~~(2) Information on the changes in waste generated or disposed~~
33 ~~of due to increases or decreases in employees, economies, or other~~
34 ~~factors.~~

35 ~~(3) A summary of progress made in implementing the integrated~~
36 ~~waste management plan.~~

37 ~~(4) The extent to which the state agency intends to utilize~~
38 ~~programs or facilities established by the local agency for the~~
39 ~~handling, diversion, and disposal of solid waste. If the state agency~~
40 ~~does not intend to utilize those established programs or facilities,~~

1 the state agency shall identify sufficient disposal capacity for solid
2 waste that is not source reduced, recycled, or composted.

3 ~~(5) Other information relevant to compliance with Section~~
4 ~~42921.~~

5 (e) In addition to the information included in subdivision (b),
6 the state agency shall provide, at a minimum, all of the following
7 information regarding the management of electronic wastes
8 generated by the state agency:

9 (1) The types and quantities of electronic waste generated by
10 the state agency.

11 (2) The final disposition of those electronic wastes.

12 (3) Efforts by the state agency to reduce the amount of electronic
13 waste being generated.

14 (d) The board shall use, but is not limited to the use of, the
15 annual report in the determination of whether the agency's
16 integrated waste management plan needs to be revised.

17 (e) For purposes of this section, "electronic wastes" means
18 wastes such as computer monitors, televisions, cell phones, pagers,
19 printers, computer bodies (CPUs and processors), video cassette
20 recorders, cordless and regular telephones, radios, and other like
21 devices that are considered hazardous waste when discarded and
22 must be properly managed pursuant to Chapter 23 (commencing
23 with Section 66273.1) of Division 4.5 of Title 22 of the California
24 Code of Regulations.